



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,839	08/14/2001	Andre Picca	B-4282 619011-2	8841

7590 11/03/2004

LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

R24

Office Action Summary

Application No.

09/929,839

Applicant(s)

PICCA ET AL.

Examiner

Kamini S Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) <i>2</i> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03, 12/02</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claimed step of transmitting message request to message broker, it is indefinite for particularly point out how the transmitting a message to message broker can also receive device information received by message broker.

Regarding to claim 13, claim depends from two separate dependencies such as 13/7/1 and 13/12/8, which is indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by Cianfrocca et al 6,088,796.

Regarding to claimed invention, Cianfrocca et al teaches a network firewall for preventing unauthorized access to the application server and a messenger system as to claimed method of controlling a device via the Internet, the method comprising generating a device instruction such as an application server connected to the

Art Unit: 2142

asynchronous message-oriented middleware product which allows a heightened level of security by preventing any inward bound connections through network firewall;

encoding the device instruction using Internet protocol such as asynchronous message-oriented middleware product that enables inter-process communications which support various protocols, col. 3, lines 65-col.4, lines 1-7;

transmitting the encoded device instruction to a message broker such as asynchronous message-oriented middleware product that operates as an HTTP server and provides full-duplex warm socket connections for connections with applications running on the other computers, see col. 2, lines 47-51; and

transmitting a message request to the message broker encoded using an Internet protocol such as web browser sends an HTTP request to the messenger system, the messenger system analyzes the URL, and the messenger system passes the contents of HTML query string, see col. 4, lines 65-col. 5, lines 1-50.

Regarding to claim 2, Cianfrocca teaches Internet protocol comprising HTTP; see col. 3, lines 65-col. 4, lines 1-10.

Regarding claim 3 comprising device instruction generated in PML, Cianfrocca teaches middle ware product supports warm socket connections that allows real time data feed to web browsers using HTML or Java.

Regarding claim 4 for generating an output in response to the device information,

Cianfrocca teaches messenger system analyzes the URL and outputs the applications in response to the contents of HTML, see col. 4, lines 65-col. 5, lines 1-12.

Art Unit: 2142

Regarding claim 5, Cianfrocca teaches messenger system connected to applications servers having database connections on the other side of the firewall and also acts as an intermediate point between the request for information and access to the application servers and database management system, see col. 4, lines 11-20.

Regarding to claim 6, Cianfrocca teaches the messenger system that analyzes URL and corresponds to a "mailbox" name for identification information; see col. 4, lines 65-col.5, lines 1-8.

Regarding to claim 7, Cianfrocca teaches message-oriented middleware product as claimed remote control module that is operable to perform controlling of a device such messenger server via Internet.

Regarding to claims 8-12, claims recites the similar subject matter as claims 1-7, and are rejected for the similar reasoning.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6,671,728 disclose external network 150 and the message broker 120 for transmitting deliver message method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
Art Unit 2142

kss